

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

Filed: March 9, 2021

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DIANE R. HECHT,	*	UNPUBLISHED
	*	
Petitioner,	*	Case No. 19-387V
	*	
v.	*	Special Master Dorsey
	*	
SECRETARY OF HEALTH	*	Damages Award; Proffer; Influenza (“Flu”)
AND HUMAN SERVICES,	*	Vaccine; Shoulder Injury Related to Vaccine
	*	Administration (“SIRVA”).
Respondent.	*	
	*	
* * * * *		

Matthew F. Belanger, Faraci Lange, LLP, Rochester, NY, for petitioner.

Camille M. Collett, U.S. Department of Justice, Washington, DC, for respondent.

### **DECISION AWARDING DAMAGES<sup>1</sup>**

On March 13, 2019, Diane R. Hecht (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program (“Vaccine Act” or “the Program”), 42 U.S.C. § 300aa-10 et seq. (2012).<sup>2</sup> Petitioner alleged that she suffered a left shoulder injury as the result of an influenza (“flu”) vaccination she received on September 26, 2016. Petition at 1 (ECF No. 1). On December 14, 2020, the undersigned issued a ruling finding petitioner entitled to compensation. Ruling on Entitlement dated Dec. 14, 2020 (ECF No. 50).

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<sup>1</sup> Because this Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2012). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

On March 8, 2021, respondent filed a Proffer on Award of Compensation, attached hereto as Appendix A. Respondent's Proffer on Award of Compensation ("Proffer") dated Mar. 8, 2021 (ECF No. 55). In the Proffer, respondent represented that petitioner agrees with the proffered award. Proffer at 2. Based on the record as a whole, the undersigned finds that petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, the undersigned awards:

**A lump sum payment of \$66,261.63 in the form of a check made payable to petitioner, Diane R. Hecht, an award comprised of \$65,000.00, for past and future pain and suffering, and \$1,261.63, in unreimbursed expenses.**

Proffer at 1-2. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a). Id. at 2.

The undersigned approves the requested amount for petitioner's compensation. Accordingly, an award should be made consistent with the Proffer.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** herewith.<sup>3</sup>

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**  
Nora Beth Dorsey  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.